**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17916 OF 2006**

**DATED: 09.10.2006**

**BETWEEN:**

Batchu Naga Prakash … petitioner

And

The Commissioner,
Municipal Corporation of Kakinada,
East Godavari. … Respondents.
And another.

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

**WRIT PETITION NO.17916 OF 2006**

**ORDER:**

Heard Sri Subba Reddy, learned counsel representing the petitioner and Sri Nageshwar Reddy, counsel representing R1 and R2.

The writ petition is filed for a writ of mandamus declaring the action of the respondents in trying to form a road across the land of the petitioner of an extent of 177.55 square yards in T.S.No.543 and 544 in ward No.24 of Kakinada Municipal Corporation without following the procedure contemplated under Chapter V of the Municipal Corporation Act or the procedure contemplated under the Land Acquisition Act, as arbitrary, illegal and to pass such other orders.

Several factual aspects had been narrated and the judgment of this Court in ***Smt.R.Kanakamma vs District Collector, Nellore***[1] also had been referred to. The main grievance of the petitioner is that the impugned action cannot be sustained unless and until the respondent follow due process of law. It is needless to say that before laying road upon the land of the petitioner, the subject matter of the writ petition, the respondent – Municipal Corporation is bound to follow the procedure as contemplated by the Hyderabad Municipal Corporation Act.

In view of the facts and circumstances well explained, the writ petition is disposed of directing the respondents not to further proceed with the impugned action unless and until the respondents follow due

process of law in relation to the subject matter of the writ petition.

Accordingly, the writ petition is disposed of with the above directions. No order as to costs.

_____

**09.10.2006.**

**Note:**
**Issue c.c. in two days.**
**B/o.**
**Mdaa.**

---

[1] 1996(1) ALD 994